

Remarks/Arguments

Information Disclosure Statement

The Office notes "The listing of references in the specification is not a proper information disclosure statement." Attached is a copy of the Information Disclosure Statement filed on March 12, 2002, and the return receipt postcard stamped as received by the USPTO on March 26, 2002.

Claim Objections

The Office objected to claims 4, 10, 11, 19, and 21 based on informalities in the claim language. The above claim amendments address each of the objections.

Claim Rejections – 35 U.S.C. § 112

The Office rejected claims 17 and 18 as being indefinite. The above claim amendments address each of the rejections.

35 U.S.C. § 102

The Office rejected claims 1-5, 10, 12-15, 18 and 19 as being anticipated by Collins (U.S. Patent No. 6,402,048). The applicant disagrees especially in view of the claim amendments made herein.

In the Office Action, the examiner directed the applicant to column 20, lines 34-58 to find the element "a communication system that exchanges information between the irrigation controller and a government agency". The portion of the '048 specification to which the applicant was referred, teaches connecting the controller to a state agency to receive ETo information. Exchanging information is different from receiving information because exchanging includes sending as well as receiving. In fact, an important aspect of the present claims is the sending of monitoring information to the government agency.

Although, the applicant does not agree that information is exchanged, the applicant has amended claims 1 and 10 in order to more particularly point out the distinction between the present claims and the Collins patent. Amended claims 1 and 10 now recite exchange of "monitoring information". Collins fails to disclose this limitation. Monitoring information is

information that is useful to the government agency including irrigation start times, irrigation run times, water flow data, and water pressure data (page 8, second full paragraph). The monitoring information is generally used by a water district to monitor and control water usage of a customer and to create bills for the customer. Collins, on the other hand teaches receiving ETo data from a state agency. ETo data is different from monitoring information because ETo data cannot be used to monitor water usage or create bills for a customer.

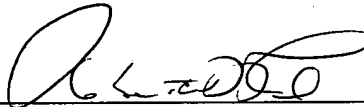
Based on the failure to disclose all of the claimed elements of independent claims 1 and 10, the rejections are respectfully traversed.

Respectfully submitted,

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By: _____



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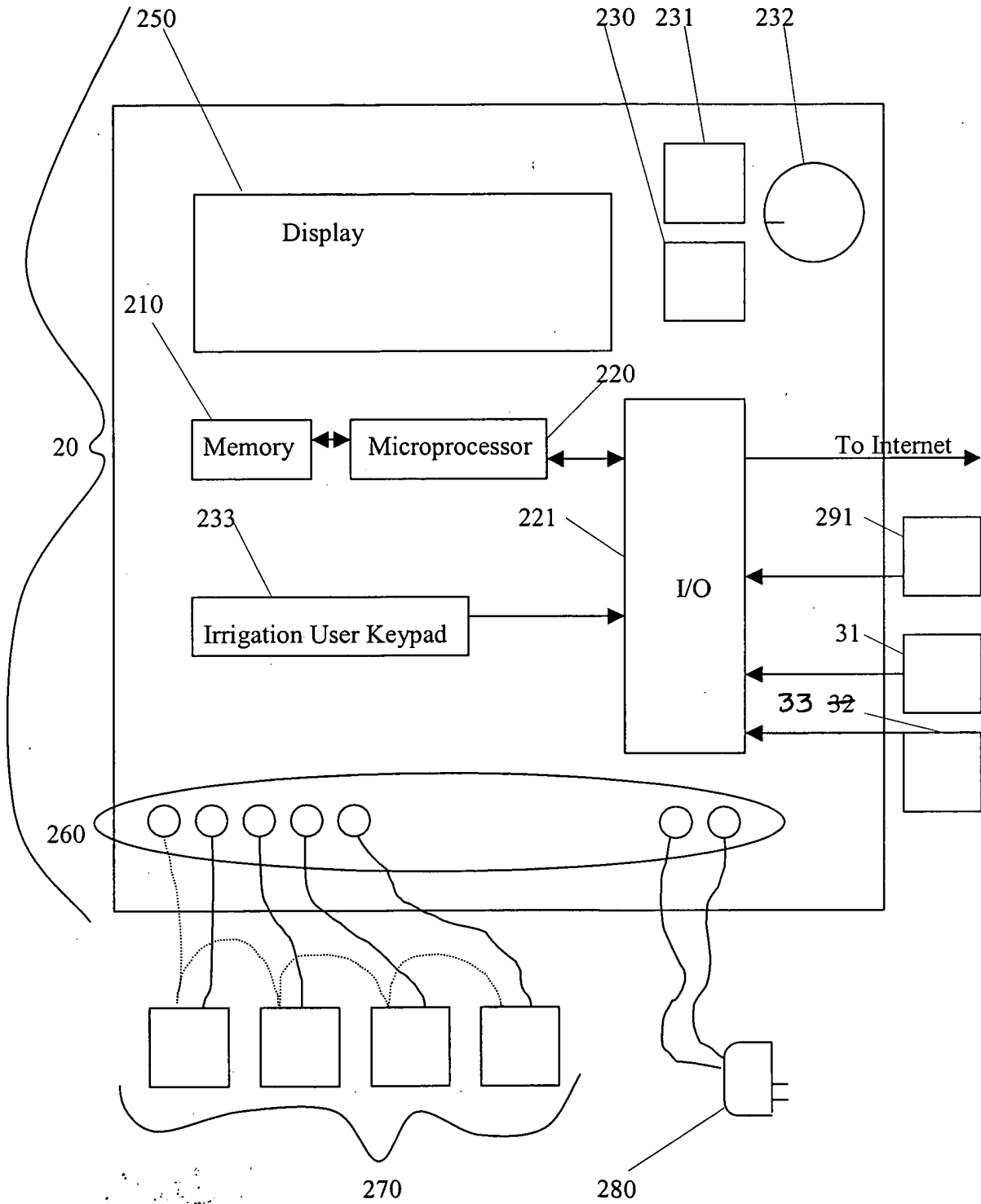


Figure 3